

RECORD OF PROCEEDINGS

Claim Number: 01-380232 Claims Heard: 01-380232
MO-ACC-OSIF-NO COV
PCN: 2012001 Quentin T. Robinson 01-376830

LEVENTRY LAW OFFICE
1397 EISENHOWER BOULEVARD, STE 202
RICHARD SQUARE III
JOHNSTOWN PA 15904

Date of Injury: 4/07/2001 Risk Number: 1338423-0
Manual Number:

This claim has been previously: **DISALLOWED.**

This matter was heard on 10/04/2001 before District Hearing Officer J. Krumenacker pursuant to the provisions of Ohio Revised Code Section 4121.34 and 4123.511 on the following:

APPEAL filed by Employer on 06/22/2001 from the order of the Administrator dated 06/07/2001.

Issue: 1) Injury Or Occupational Disease Allowance
2) Correct Employer

Notices were mailed to the claimant, the employer, their respective representatives and the Administrator of the Bureau of Workers' Compensation not less than 14 days prior to this date, and the following were present at the hearing:

APPEARANCE FOR THE CLAIMANT: n/a
APPEARANCE FOR THE EMPLOYER: M. Marchino for P.R.M.; J. Jung for
N.I.F.L.; B. Caprito for R.P.C.
APPEARANCE FOR THE ADMINISTRATOR: T. Arkenberg; J. Krum; A. Shannon;
R. Blateri- BWC Risk

The order of the Administrator, dated 06/07/2001, is affirmed.

The District Hearing Officer finds that there is no jurisdiction to consider the merits of this claim.

The District Hearing Officer finds that there is no jurisdiction because there are absolutely no contacts between the state of Ohio to establish jurisdiction as shown by the following:

The claimant and employer did not enter into a contract of hire in the state of Ohio.

The claimant did not live or work in Ohio.

The claimant was not injured in Ohio.

The claimant was not paid or supervised from Ohio.

The employer's headquarters are not now and have not been in Ohio.

The District Hearing Officer finds that the filing of C-110's agreeing to be bound by Ohio law are invalid if there are not sufficient contacts to establish Ohio coverage in the first place. A C-110 is only to establish what state will take jurisdiction where there is more than one state that could possibly claim jurisdiction. That is not the situation with this claim.

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The employer's counsel conceded at hearing that there were no contacts with Ohio that would justify Ohio Workers' Compensation coverage.

The employer's counsel's defense is estoppel. The employer argues that the Bureau of Workers' Compensation did accept premium payments and issued two certificates of coverage, although the Bureau of Workers' Compensation later returned the premiums and informed the employer that they did not have coverage.

The employer argues the cases of Kielman v. I.C., (Ohio App. 4th Dist 1995) and Byrd v. Circle Coffee Shop (Ohio App. 8th Dist 1994). In those cases the courts found that the Bureau of Workers' Compensation was estopped from denying coverage.

The District Hearing Officer finds that those cases are distinguishable. Those cases both involved sole proprietor's filing C-116 forms to obtain Ohio coverage. In those cases there were functioning Ohio businesses. Therefore, the basics of jurisdiction were met. The only question in those cases was the granting of coverage.

In this case, the issue of coverage cannot be considered because the preliminary issue of jurisdiction has not been met. The issue of coverage can be determined by the Bureau of Workers' Compensation Adjudicating Committee but only if there is first jurisdiction. In this case there is no jurisdiction.

An Appeal (IC-12) from this order may be filed within 14 days of the receipt of the order. The Appeal should be sent to the Industrial Commission of Ohio, Claims Management Section, 30 W. Spring St., 5th Floor, Columbus OH 43215-2233.

Typed By: glp
 Date Typed: 10/05/2001
 Date Received: 10/03/2001
 Findings Mailed: 10/10/2001

 J. Krumenacker
 District Hearing Officer

Signed copy contained in claim file.

The parties and representatives listed below have been sent this record of proceedings. If you are not an authorized representative of either the claimant or employer, please notify the Industrial Commission.

01-380232
 Quentin T. Robinson
 136 Bond St
 Johnstown PA 15902-2710

Risk No: 1338423-0
 National Indoor Football League Llc
 National Indoor Football League Llc
 Carolyn Shiver, President
 600 Loire Avenue
 Lafayette LA 70507

ID No: 5089-02
 Leventry Law Office
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 Richard Square III
 Johnstown PA 15904

ID No: 9994-05
 BWC, Law - Columbus
 Attn: Ann Shannon
 30 W. Spring Street, L-26
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ID No: 20138-91
Porter, Wright, Morris & Arthur
41 S High St
Columbus OH 43215

ID No: 1334-80
Professional Risk Management
7260 West Blvd
P.O. Box 1049
Youngstown OH 44501

ID No: 4415-02
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PO Box 8605
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BWC, LAW DIRECTOR

(DHOSF - DHO State Fund - Rev. 1/09/99)